

**BETWEEN: MARCEL TABIGERIAN**  
Appellant

**AND: PUBLIC PROSECUTOR**  
Respondent

**Coram:** *Hon. Chief Justice Vincent Lunabek*  
*Hon. Justice John von Doussa*  
*Hon. Justice Raynor Asher*  
*Hon. Justice Oliver Saksak*  
*Hon. Justice Dudley Aru*  
*Hon. Justice David Chetwynd*  
*Hon. Justice Gus Andrée Wiltens*

**Counsel:** *Mr. N. Morrison for the Appellant*  
*Mr. J. Naigulevu for the Respondent*

**Date of Hearing:** 16<sup>th</sup> April 2018

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**ORDERS**

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1. This matter was recalled before a differently constituted Court of Appeal today. The court was informed that the appellant is still in goal in Santo. The Orders of this Court dated 20 February 2018 directing the Department of Correctional Services to transfer the appellant to Port Vila not later than the date of commencement of the April 2018 session on Monday 16 April 2018 had not been complied with. It is therefore necessary that this appeal be adjourned once again.
2. The appeal is adjourned to the July session of the Court of Appeal commencing on 9<sup>th</sup> July 2018.
3. Order directing the Department of Correctional Services to transfer the appellant to Port Vila not later than Thursday 31 May 2018 and to hold him in Port Vila until the conclusion of the July 2018 session of the Court of Appeal which ends on 20<sup>th</sup> July 2018.
4. Matter referred back to the directions judge in the Supreme Court to consider any procedural issue that may arise in the meantime.

**DATED at Port Vila, this 16<sup>th</sup> day of April, 2018.**

**BY THE COURT**

  
**Hon. Vincent LUNABEK**  
Chief Justice.

